

REMARKS

This is a response to the office action issued Dec. 30, 2005. Claims 1-12 are pending. Claims 13-14 are new.

The examiner objected to claim 11 as being dependent on non-existent claim 81. Claim 11 has been cancelled.

The examiner rejected claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over Enright in view of Seiling.

Enright and Seiling do not teach wheels that are around 26 inches and 24 inches, a floor that is around 16 inches long and is around 6 inches above the ground at the rear and around 5.5 inches above the ground at the front with a slope of around 10 degrees.

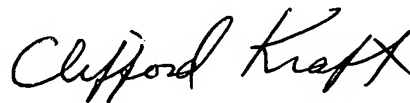
There is no suggestion to combine Seiling with Enright. Enright teaches two wheels of the same size, while Seiling teaches mechanical propulsion to the rear wheel, thus teaching away from scooter action. It is not permissible to simply find all the elements, rather to establish a prima facie case of obviousness, the examiner must explain the reasons a person of ordinary skill in the art would have been motivated to select the references and

combine them. See In re Leonard R. Kahn, 04-1616 (Fed. Circuit, 2006).

Scooter action is the reason the applicant claims wheels of two different size and a slanting floorboard. Since neither Enright nor Seiling teach scooter action, there is absolutely no motivation to combine them. The fact that Enright teaches a slanting frame cannot point to scooter action since it is impossible to safely use that frame to stand on. Seiling offsets his frame attachment (rear wheel - See Fig. 1) so that his floor is level. This works against scooter action. Seiling, in leveling his floor, makes sure that the two different wheel sizes give no scooter advantage.

In light of the above, the examiner will see that the claims are allowable. The examiner is requested to place the case in condition for allowance at his earliest convenience.

Respectfully Submitted

A handwritten signature in black ink, reading "Clifford Kraft". The signature is written in a cursive, flowing style with a large initial 'C'.

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